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Attorneys for Debtor  
Bernadette Francine Cattaneo

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

In re  
  
Bernadette Francine Cattaneo,  
  
Debtor.

Case No. 16-52233

Chapter 7

**BERNADETTE CATTANEO'S TRIAL  
BRIEF REGARDING MOTION TO  
AVOID JUDICIAL LIENS OF HELEN  
MCABEE ON 841 CALAIS CIRCLE,  
HOLLISTER, CA AND 2720  
ARLINGTON DRIVE, HOLLISTER, CA**

Hearing

Date: September 18, 2019

Time: 9:00 a.m.

Place: 280 South First Street

Courtroom 11

San Jose, CA 95113

Debtor, Bernadette Cattaneo ("Cattaneo") submits the following trial brief in connection with the valuation trial for her pending motions to avoid the judgment liens of Helen McAbee ("McAbee") on Cattaneo's properties located at 841 Calais Circle, Hollister, CA (the "Calais Property") and 2720 Arlington Drive, Hollister, CA (the "Arlington Property").

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CATTANEO TRIAL BRIEF

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1 The Court must determine the value of the Calais Property and the Arlington Property as  
2 of August 3, 2016, the date Cattaneo filed her Chapter 7 bankruptcy (the "Petition Date").  
3 Cattaneo does not believe there is a dispute as the secured debt that is senior to the McAbee  
4 judgment. As of the Petition Date, the McAbee judgment lien was approximately \$626,000.  
5 Cattaneo is uncertain of its current balance as, among other things, she understands that McAbee  
6 recently received a payment on the judgment of \$250,000 from her ex-husband.

7 As to the Calais Property, as of the Petition Date, the following secured debt was senior  
8 to the McAbee judgment:

9 Seterus:	\$51,803.04
10 Union Bank:	\$59,510.13
11 CalHFA Mortgage:	\$11,388.69
12 <b>Total:</b>	<b><u>\$122,701.86</u></b>

13 As to the Arlington Property, as of the Petition Date, the following secured debt was  
14 senior to the McAbee judgment:

15 <b>Chase Bank:</b>	<b>\$523,276.75<sup>1</sup></b>
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16 Cattaneo has an allowed exemption of \$10,000 in each property so there is no dispute as  
17 to McAbee's judgment lien impairing her exemption. The question is the amount of the  
18 impairment, which is a function of the value of each property.

19 The Court is faced with opinions of value that vary greatly. When Cattaneo filed the  
20 case, she valued the Calais Property at \$410,000. She valued the Arlington Property at  
21 \$700,000. Cattaneo filed her case in *pro per* and had no clue with respect to the potential impact  
22 of a valuation on McAbee's judgment lien. As the Court will hear, Cattaneo was very  
23 experienced in Hollister real estate values and set her values only after obtaining a current  
24 market analysis from a local realtor, which analysis included a number of comparable sales.

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28 <sup>1</sup> Cattaneo's Schedules listed a secured debt to Wells Fargo on the Arlington Property of  
\$259,180, but Cattaneo has since confirmed that the deed of trust was reconveyed prior to the  
Petition Date.

1 Almost three years after the Petition Date, Cattaneo's appraiser, Kristin Jacobson, and  
2 McAbee's appraiser, Jerry Cosio appraised the two properties as of the Petition Date. As the  
3 Court will hear, Cattaneo made various improvements to the properties between the Petition Date  
4 and the subsequent appraisals. Ms. Jacobson appraised the Calais Property as of the Petition  
5 Date at \$448,000. She appraised the Arlington Property as of the Petition Date at \$757,000.

6 In contrast, Mr. Cosio appraised the Calais Property at \$520,000 and the Arlington  
7 Property at \$875,000. Both Mr. Cosio and Ms. Jacobsen have considerable experience in the  
8 Hollister area. From Cattaneo's perspective, she believes the differences are largely attributable  
9 to Mr. Cosio's selection of comparable sales, both in terms of the number of comps and the  
10 location of them. Moreover, Mr. Cosio did not take into account the work done between the  
11 Petition Date and his inspection of the Properties.

12 Cattaneo suggests that either the values listed on her Schedules or the values as appraised  
13 by Ms. Jacobson are the more accurate values. The outcome of each valuation on the avoidance  
14 of the McAbee lien is as follows:

<b>Calais Property</b>	<b>Cattaneo Value</b>	<b>Jacobson Value</b>	<b>Cosio Value</b>
	\$410,000	\$448,000	\$520,000
	Less Liens \$122,701	\$122,701	\$122,701
	Less Exempt. <u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
	Balance: \$277,299	\$315,299	\$387,299

<b>Arlington Property</b>	<b>Cattaneo Value</b>	<b>Jacobson Value</b>	<b>Cosio Value</b>
	\$700,000	\$757,000	\$875,000
	Less Lien \$523,276	\$523,276	\$523,276
	Less Exempt. <u>\$10,000</u>	<u>\$10,000</u>	<u>\$10,000</u>
	Balance: \$166,724	\$223,724	\$341,724

Wherefore, Bernadette Cattaneo requests that the Court grant her motions and avoid the McAbee judgment liens on the Calais Property and Arlington Property to the extent set forth above based on the Court's determination of value.

DATED: September 11, 2019

FINESTONE HAYES LLP

/s/ Stephen D. Finestone

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Stephen D. Finestone

Attorney for Bernadette Cattaneo